

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MOISES PEREZ,

Plaintiff,

v.

BODEGA LATINA CORPORATION,
d/b/a/ El Super,

Defendant.

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EP-19-CV-00360-DCG

ORDER

On this day, the Court *sua sponte* considered the above-captioned case, which was removed to this Court from the 210th District Court of El Paso County, Texas, on December 6, 2019. Plaintiff Moises Perez initiated the lawsuit in the state court on October 17, 2019, and Defendant Bodega Latina Corporation d/b/a El Super was served with the summons and a copy of Plaintiff's state-court petition on November 18, 2019. Notice of Removal at 1, ECF No. 1. The record, however, does not indicate that Defendant filed any responsive pleading to Plaintiff's state-court complaint, "Original Complaint and Request for Disclosure" (ECF No. 1-2). *See id.* ("Bodega has, to date, made no appearance in the Civil Action in State Court").

Federal Rule of Civil Procedure 81 provides, in relevant part:

A defendant who did not answer before removal must answer or present other defenses or objections under these rules within the longest of these periods: (A) 21 days after receiving--through service or otherwise--a copy of the initial pleading stating the claim for relief; (B) 21 days after being served with the summons for an initial pleading on file at the time of service; or (C) 7 days after the notice of removal is filed.

Fed. R. Civ. P. 81(c)(2). Therefore, the deadline for filing an answer or presenting other defenses or objections under Federal Rules of Civil Procedure have passed. Further, this District's local rules provide: "If a defendant is in default, the court may require the plaintiff to

move for entry of a default and a default judgment. If the plaintiff fails to do so within the prescribed time, the court may dismiss the action, without prejudice, as to the defendant.” W.D. Tex. Local R. CV-55.

IT IS ORDERED that pursuant to Federal Rule of Civil Procedure 55, Plaintiff **SHALL MOVE** for entry of a default by **February 3, 2020**, and thereafter, within **seven days** of the Clerk’s entry of default, **SHALL MOVE** for a default judgment against Defendant.

So ORDERED and SIGNED this 13 day of January 2020.



DAVID C. GUADERAMA
UNITED STATES DISTRICT JUDGE